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14 Attorneys for the Plaintiff

15 MONTANA SEVENTH JUDICIAL DISTRICT, RICHLAND COUNTY, MONTANA

16 \* \* \* \* \*

17 LEROY BURTON,

18 Plaintiff,

19 -vs-

20 REED TAYLOR HOBUSH, HARPER  
21 EXCAVATING, INC., AND JOHN DOES  
22 I-V,

23 Defendants.

24 \* \* \* \* \*

Cause No. DV-13-140

SUMMONS

25 THE STATE OF MONTANA TO THE ABOVE-NAMED DEFENDANT:

REED TAYLOR HOBUSH  
5043 Petroleum Park Drive  
Williston, ND 58801

1 A lawsuit has been filed against you.  
2  
3 Within twenty-one (21) days after service of this Summons on you  
4 or 42 days if you are the State of Montana, a state agency, or a  
5 state officer or employee), you must serve on the Plaintiff an  
6 Answer to the attached Complaint or a motion under Rule 12 of  
7 the Montana Rules of Civil Procedure. Do not include the day  
8 you were served in your calculation of time. The answer or  
9 motion must be served on Plaintiff or Plaintiff's attorneys, if  
10 Plaintiff is represented by an attorney, whose name and address  
11 are listed above.

12 If you fail to respond, judgment by default will be entered  
13 against you for the relief demanded in the Complaint.

14  
15 DATED this 21st day of November, 2013.

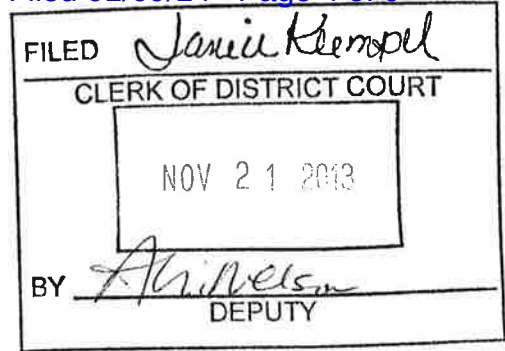
16  
17  
18 (COURT SEAL)

*Janice Klempel*

CLERK OF DISTRICT COURT

By *LS/ Alli Nelson*

19  
20  
21  
22  
23  
24 J BURTON.HOBUSHSUMMONS



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10  
11 MONTANA SEVENTH JUDICIAL DISTRICT, RICHLAND COUNTY, MONTANA

12 \* \* \* \* \*

13 LEROY BURTON, )

Cause No. DV-13-140

14 Plaintiff, )

15 -vs- )

16 REED TAYLOR HOBUSH, HARPER )

COMPLAINT AND DEMAND  
FOR JURY TRIAL

EXCAVATING, INC., AND JOHN DOES )

17 I-V, )

18 Defendants. )

19 \* \* \* \* \*

20 PLAINTIFF, LEROY BURTON, for his claims against the  
21 Defendants states and alleges as follows:  
22  
23  
24  
25

I.

Plaintiff, LEROY BURTON, is a resident of Richland County, Montana.

II.

Upon information and belief, Plaintiff alleges that Defendant, REED TAYLOR HOBUSH, is and was a resident of Williston, Williams County, North Dakota, at all times material herein.

III.

Upon information and belief, Plaintiff alleges that Defendant, HARPER EXCAVATING, INC., is a Utah corporation not authorized to do business within the State of Montana, at all times material herein.

IV.

The true names and capacities of DOES I-V are unknown to the Plaintiff, who, therefore sue said Defendants under these fictitious names. On information and belief, Defendants DOES I-V, inclusive, (i) directly participated in or assisted in the performance of the wrongful acts and omissions described herein, although the full extent of their involvement is unknown at this time, OR (ii) conspired with the named parties in this case to perform the wrongful acts and omissions described below, although the full extent of their involvement is unknown at this

1 time, OR (iii) acted as principals or agents, actual or  
2 ostensible, of other named parties in this case in performing  
3 the wrongful acts and omissions described below, although the  
4 full extent of their involvement is unknown at this time.  
5 Plaintiff thus believes that Defendant DOES I-V, inclusive, are  
6 liable for the damages and other relief sought in this case as  
7 participants, co-conspirators, principals or agents, or are  
8 otherwise necessary or indispensable parties to adjudication of  
9 the issues involved in this case. When the true names and  
10 capacities of DOES I-V, inclusive, have been ascertained,  
11 appropriate amendments of this Claim will be filed.

12 V.

13 Plaintiff is further informed, believes and thereon alleges  
14 that at all times herein mentioned all Defendants, including  
15 DOES I-V, inclusive, (i) jointly perpetrated the acts described  
16 herein with their Co-Defendants, (ii) were the successors in  
17 interest to, or agents, principals, partners, joint venturers,  
18 or co-conspirators of their Co-Defendants in doing the things  
19 herein alleged and were acting within the scope and authority or  
20 in furtherance of a common scheme or design with the knowledge,  
21 permission, consent or ratification of their Co-Defendants in  
22 doing the things herein alleged and therefore are liable,  
23 jointly and severally, for all damages and other relief or  
24

1 remedies sought by Plaintiff in this action.

2 VI.

3 On April 23, 2012, at approximately 1:59 o'clock p.m.,  
4 Defendant Hobush was traveling north in the 400 Block of North  
5 Central Avenue on Montana Highway 16 in Sidney, Montana in a  
6 motor vehicle owned by Defendant Harper Excavating, Inc. At  
7 such time and place, Defendant Hobush negligently collided with  
8 the rear end of a motor vehicle driven by Plaintiff which was  
9 lawfully stopped awaiting another vehicle to make a left hand  
10 turn.

11 VII.

12 Defendant Hobush operated the vehicle he was driving in a  
13 careless, reckless and negligent manner causing it to collide  
14 with the vehicle driven by Plaintiff which resulted in severe  
15 and debilitating injuries to Plaintiff.

16 VIII.

17 Defendant Harper Excavating, Inc. is vicariously liable for  
18 the negligent acts and omissions of its employee, Defendant  
19 Hobush.

20 IX.

21 Defendant Harper Excavating, Inc. is independently  
22 negligent in failing to adequately train and supervise its  
23 employee, Defendant Hobush.  
24

1 X.

2 As a direct and proximate/legal result of the negligence  
3 and carelessness of the Defendants, Plaintiff Leroy Burton  
4 suffered serious and permanent injuries and sustained, and will  
5 sustain in the future, medical expenses and physical and  
6 emotional pain and suffering.

7  
8 WHEREFORE, Plaintiff seeks judgment against Defendants for  
9 an amount to compensate him for his past and future medical  
10 expenses, pain, suffering and disability plus interests, costs  
11 and disbursements and such other and further relief as the Court  
12 may deem just and equitable.

13  
14 DATED this 21<sup>st</sup> day of November, 2013.

15  
16 EDWARDS, FRICKLE & CULVER

17 &

18 THE SAVAGE LAW FIRM

19 By 

20 Robert J. Savage  
21 Attorneys for Plaintiff  
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24  
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DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all such issues so triable.

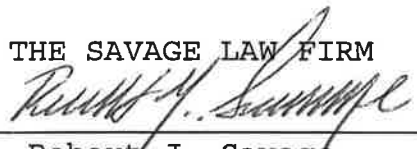
DATED this 21<sup>st</sup> day of November, 2013.

EDWARDS, FRICKLE & CULVER

&

THE SAVAGE LAW FIRM

By

  
Robert J. Savage  
Attorneys for Plaintiff